

PILLSBURY WINTHROP SHAW PITTMAN LLP

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re TREMONT SECURITIES LAW,
STATE LAW AND INSURANCE
LITIGATION

Master Docket No. 08-Civ-11117 (TPG)

CUMMINS INC.,

Plaintiff,

- against -

Civil Action No. 1:10-9252 (TPG)

NEW YORK LIFE INSURANCE
COMPANY, et al.,

Defendants.

DECLARATION OF MARIA T. GALENO

I, Maria T. Galeno, declare as follows:

1. I am a partner in the law firm Pillsbury Winthrop Shaw Pittman LLP, and counsel to Defendants New York Life Insurance Company ("New York Life") and New York Life Insurance and Annuity Corporation ("NYLIAC"). I make this declaration in support of the Memorandum in Support of Motion to Dismiss the Third Amended Complaint.

2. Attached hereto as Exhibit 1 is a true and correct copy of a NYLIAC Corporate Sponsored Private Placement Variable Universal Life Insurance Policy purchased by Cummins Inc. Grantor Trust, dated September 15, 2007.

3. Attached hereto as Exhibit 2 is a true and correct copy of a Premium Allocation Form for NYLIAC CorpExec Private Placement Variable Universal Life (PPVUL) submitted by Wachovia Trust, N.A. on behalf of Cummins Inc. Grantor Trust, dated September 11, 2007.

4. Attached hereto as Exhibit 3 is a true and correct copy of the New York Life Insurance and Annuity Corporation CorpExec PPVUL Corporate Sponsored Private Placement Variable Universal Life Private Placement Memorandum, dated May 15, 2007.

5. Attached hereto as Exhibit 4 is a true and correct copy of a Prospective Purchaser Questionnaire and Agreement for Trusts, Corporations and Partnership submitted by Wachovia Bank, N.A. on behalf of Cummins Inc. Grantor Trust, dated September 11, 2007.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Amended and Restated Limited Partnership Agreement of Tremont Opportunity Fund III, L.P., dated as of May 15, 2007.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Tremont Opportunity Insurance Fund, L.P. Amended and Restated Confidential Private Placement Memorandum, dated November 1, 2006.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
December 7, 2012

s/ Maria T. Galeno
Maria T. Galeno